

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

3V, INC., a Delaware Corporation,)	
)	
Plaintiff)	
)	C.A. No. 06-00593-JJF
v.)	
)	
CIBA SPECIALTY CHEMICALS)	
CORPORATION, a Delaware Corporation,)	
)	
Defendant.)	
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CIBA SPECIALTY CHEMICALS)	
CORPORATION, a Delaware Corporation,)	
)	
Cross-Plaintiff)	
)	C.A. No. 06-00629-JJF
v.)	
)	
3V, INC., a Delaware Corporation,)	
)	
Cross-Defendant.)	
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CIBA SPECIALTY CHEMICALS)	
CORPORATION, a Delaware Corporation,)	
)	
Plaintiff)	
)	C.A. No. 06-672-JJF
v.)	
)	
3V, INC., a Delaware Corporation,)	
)	
Defendant.)	
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STIPULATION AND ORDER TO FURTHER MODIFY
RULE 16 SCHEDULING ORDER

The parties to these actions, by and through their undersigned counsel, hereby stipulate and agree, subject to the approval of the Court, as follows:

1. On or about September 25, 2006, 3V, Inc. commenced Civil Action No. 06-593. On October 10, 2006, CIBA Specialty Chemicals Corporation ("CIBA") filed a Cross Complaint

which was designated Civil Action No. 06-629 and, on October 31, 2006, CIBA began yet another related action before this Court, which was assigned Civil Action No. 06-672. These actions all relate to the same underlying subject matter in that they seek review of certain decisions made by the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office.

2. On or about December 21, 2006, this Court entered a Rule 16 Scheduling Order in these actions [D.I. No. 12 in Civil Action No. 06-593] (the “Scheduling Order”). On July 24, 2007, the Court entered an Order modifying the schedule on the unopposed motion of 3V, Inc.

3. No date for trial has been set in any of these cases.

4. The parties have been engaged in settlement discussions. They believe that the settlement process would be facilitated if the deadlines in the current schedule were moved back by approximately sixty (60) days.

5. The parties have agreed, subject to the Court’s approval, to the entry of an Order in the form attached as an exhibit to this Stipulation. This Order postpones each of the currently scheduled deadlines for approximately two months. This new schedule should not impose on the Court’s schedule in the least, as these cases have not yet been set for trial. The modified schedule will provide a better opportunity for the parties’ current negotiations to be successful, thereby leading to the efficient resolution of these cases.

6. Accordingly, the parties, through their counsel, respectfully request that the Court approve and enter the attached Order.

Dated: November 13, 2007

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SECOND ORDER MODIFYING RULE 16 SCHEDULING ORDER

Upon the Stipulation of the parties to these actions, and finding that cause exists to further amend the Rule 16 Scheduling Order filed in these proceedings,

IT IS ORDERED, that

1. Scheduling Order in these cases as modified by Order dated July 24, 2007, is hereby further modified as follows:

- (a) The Discovery described in paragraph 3(a) of the Scheduling Order shall be commenced so as to be completed by March 28, 2008.
- (b) The deadline for depositions to be completed (Scheduling Order, paragraph 3(e)) shall be September 29, 2008.
- (c) The deadline for additional Discovery as described in the Scheduling Order at paragraph 3(f) shall be December 1, 2008.
- (d) Reports from retained experts in cases 06-00593-JJF and 06-00629-JJF required by Fed. R. Civ. P. 26(a)(2) are due from the party having the burden of proof by October 24, 2008; from the opposing party by December 29, 2008. Rebuttal reports are due February 16, 2009. (Modifying paragraph 3(g) of the Scheduling Order.)
- (e) Expert reports for the party having the burden of proof in C.A. No. 06-00672-JJF shall be due on November 26, 2008; and for the opposing party on January 26, 2009. Rebuttal reports are due on March 20, 2009. (Modifying paragraph 3(h) of the Scheduling Order.)
- (f) All motions to amend the pleadings shall be filed on or before December 12, 2008. (Modifying paragraph 5 of the Scheduling Order.)
- (g) Any motions challenging this Court's jurisdiction shall be filed by March 28, 2008. (Modifying paragraph 6(a) of the Scheduling Order.)

(h) Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before April 20, 2009. (Partially modifying paragraph 6(b) of the Scheduling Order.)

2. Except as specifically modified in this Order, the provisions of the December 20, 2006 Rule 16 Scheduling Order shall remain in full force and effect.

3. Pursuant to 28 U.S.C. § 636, and Local Rule 72.1(a)(1), these cases are hereby referred to Magistrate Judge Thyng for the purpose of exploring ADR.

Joseph J. Farnan, Jr.
United States District Court Judge

Dated: _____, 2007